



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/522,801

03/01/2005

Gerard Delegee

Q85942

6579

23373 7590 12/28/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

BUI, BRYAN P

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,801

Applicant(s)

DELEGUE ET AL.

Examiner

Bryan P. Bui

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications:

- a) Application No. 10/522,801 filed on 03/01/2005 claiming priority from PCT Application PCT/FR03/02198 filed on 07/11/2003 claiming priority from Foreign Application (FRANCE) 02/09816 filed on 08/01/2002.
- b) Amendment filed on 09/27/2007.

Status of Claims:

Claims 1-6 (original) have been canceled by Applicant's amendment, therefore are not considered in this action.

Claims 7-14 are newly added claims, of which claims 7, 10, 12 and 13 are in independent form. Claims 7-14 are pending and have been examined.

Information Disclosure Statement

2. Receipt of Applicant's submission, including the copies of foreign patent document EP0800329A, CA2261552 and NPL: "Connection Establishment in High Speed Network", is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement (IDS) submitted on 01/28/2005 has been considered by the examiner.

Drawings

3. The replacement sheet for Drawing has been received and entered into the record. Accordingly, the objection to Drawing in the previous action is withdrawn in view of Applicant's amendment.

Specification

4. The abstract of the disclosure is objected to because it fails to conform with the MPEP format and language. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, **"The disclosure concerns,"** "The disclosure defined by this invention," "The disclosure describes," etc

5. The disclosure is objected to because the specification fails to include all of the headings indicated below. Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Response to Arguments

6. Applicant's arguments filed on 09/27/2007 have been fully considered, but newly added claims are moot in view of the new ground(s) of rejection.

Claim Objections

7. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 9, depending on claim 8, is directed to "The method of claim 8". Thus, claim 9 is a method claim. However, there is no further step involving in the claim language. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 8, 11, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 8, this claim recites the limitation "a number of group identifiers assigned to each of the basic services corresponding to a number of groups of basic

services to which each of the basic services belongs". However, this limitation is not supported by the original disclosure.

Regarding claims 11 and 14, these claims are directed to the claimed feature of "*maintaining at least one basic service of the group of basic services activated when the at least one of the basic services also belongs to another group of basic services, such that all the basic services that constitute the other group of basic services are activated*". However, this claimed feature is not supported by the original disclosure.

Applicant is required to cancel the new matter introduced by those newly added claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 7 and 12 are rejected under 35 U.S.C 102(b) as being anticipated by US Patent No.6,199,066 B1 issued to Glitho et al.("Glitho").**

Regarding claim 7, Glitho discloses the claimed feature of "[A] method of providing a plurality of services for using a telecommunications network" by providing an interface between a customer administrative system and a plurality of database network

elements (see column 2, lines 35-36, and column 3, lines 30-32 together with Figure 2 (22)), the method comprising:

A) "combining a plurality of basic services into at least one group of basic services" [*a meta-service comprises a package of individual services*] (see, for example, column 2, lines 39-40, and column 3, lines 60-61).

B) "activating the basic services of the group of basic services during a single transaction, wherein the basic services of the group of basic services can only be activated when all the basic services of the group of basic services can be activated" by describing the interface further includes a meta-service activation and management agent in response to a single command for activation and management of a meta-service (see column 3, lines 57-61). Examiner notes that Glitho does, in fact, require all the basic services of the group of basic services be activated in order to activate the basic services (see Glitho, column 5, second paragraph).

Regarding claim 12, Glitho discloses the claimed feature of "[A] server for providing a plurality of basic services for using a telecommunications network, wherein the basic services are combined into groups of basic service" (see Figure 2: Meta-Service Agent (32) and Meta-Service Definition Tool (34) and column 3, lines 57-62). All the limitations of this claim have been noted in the rejection of claim 7, therefore it is rejected as set forth above.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8-9 are rejected under 35 U.S.C 103(a) as being unpatentable over Glitho (US Pat No. 6,199,066 B1) in view of Laiho (US Pat No. 6,097,942).

Regarding claims 8 and 9, most of the limitations of those claims have been noted in the rejection of claim 1. It is noted, however, Glitho does not expressly disclose the claimed features of "assigning a group identifier to each of the basic services of the group of basic services, a number of group identifiers assigned to each of the basic services corresponding to a number of groups of basic services to which each of the basic services belongs" (as cited in claim 3) and "a specification associated with each of the basic services, wherein the specification stores the group identifiers of the associated basic service"(as cited in claim 4). Laiho, from the same or similar field of endeavor, describes a method for defining and updating mobile services based on subscriber groups using service groups and service group identifiers (see Laiho, the abstract, lines 1-3). Laiho states that "one or more groups of mobile subscribers are

defined, and a group identifier is assigned to each member of the group. One or more services are established for the group of mobile subscribers and are associated with the group identifier" (column 2, lines 35-39). Laiho further discloses " The group identifier links each group member's subscriber record stored in the first database section with the corresponding group services stored in the second database section". Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to modify the method of Glitho by applying a service group approach taught by Laiho to achieve the claimed limitations of assigning a group identifier to the basic services and storing the identifier of a group. Such combination would have allowed Laiho's method to more readily permits new services and subscribers to be added to a mobile communications system with minimal signaling overhead (see Laiho, column 2 line 9-11).

11. Claims 10, 11, 13 and 14 are rejected under 35 U.S.C 103(a) as being unpatentable over Glitho (US Pat No. 6,199,066 B1) in view of Dobbins et al (US Pat No. 5,825,772).

Regarding claims 10 and 11, most of the limitations of those claims have been noted in the rejection of claim 1. However, Glitho does not disclose the claimed features of "rendering the basic services of the group inactive when at least one of the basic services in the group of basic services becomes unavailable"(as cited in claim 10) and "maintaining at least one of the basic services in the group of basic services

activated when the at least one of the basic services also belongs to another group of basic services, such that all the basic services that constitute the other group of basic services are activated" (as cited in claim 11). Dobbins et al., from the same or similar field of endeavor, describes a method and apparatus providing connection-oriented services for packet switched data communications networks in which a distributed call rerouting service is provided wherein if a link on an active path fails, each switch receives a topology change notification and unmaps any connection involving the failed link (see Dobbins, the Abstract, lines 1-2 and 15-18). Moreover, Dobbins further discloses "Only if the connection was using a node or link that changed on some part of its path (e.g., a remote link on a path may have failed), the connections using that path will be unmapped. Thus, each switch having connections on a path that failed will tear down those connections traversing the path automatically, and autonomously. Connections not using that part of the path remain intact. In addition, when the call-originating switch has to tear down a call because some part of the path has a changed state in such a way as to warrant a re-route (e.g., a link failure or drastic change in cost), it will automatically recompute the path for the original call and re-establish a connection using the same technique of path determination in the connection management previously described. It is important to note that this too is completely distributed and that each switch will tear down the connections it has mapped if the path is no longer valid and each will automatically reroute calls they have originated" (see column 5, lines 24-42). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to combine the method of Glitho with the

teachings of Dobbins to provide a method for rendering the basic services of the group inactive when at least one of the basic services in the group of basic services becomes unavailable and maintaining at least one of the basic services in the group of basic services activated when the at least one of the basic services also belongs to another group of basic services, such that all the basic services that constitute the other group of basic services are activated. Such combination would have permitted the switched communication network to avoid the problem in which any links or nodes not in the active tree path are placed in standby (see Dobbins, column 2, lines 10-11).

Regarding claims 13 and 14, those claims are similar in scope to claims 10 and 11 respectively, therefore they are rejected in the same rationale with claims 10 and 11.

Conclusion

12. The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art: 5359601; 5742673; 5629978; 6058175; 6901440; 7136351;

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (571)-270-1981. The examiner can normally be reached on Monday-Friday from 8:00 am to 5:00 pm (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect>.

Application/Control Number:
10/522,801
Art Unit: 2153

Page 13

uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 1-(800)-786-9199 (in U.S.A or Canada) or 1-(571)-272-1000.

BB

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

